

AMENDMENTS TO THE DRAWINGS

In Figure 1, a lead line was added to reference number 107.

For the Examiner's review, a clean copy of drawing sheet 1/5 containing the Figure 1 discussed above is appended hereto in an Appendix A.

Remarks

This amendment does not result in an increase in the total number of claims pending or in an increase in the number of independent claims pending. Accordingly, no additional fees are necessitated by the amendments to the claims herein. But this Amendment is accompanied by a Request for Continuing Examination (RCE) and the fees necessitated thereby.

For the Drawings:

Applicants hereby amend FIG. 1 to insert a missing lead line from reference number 107. This amendment includes no new matter.

A clean copy of drawing page 1 containing the amended FIG. 1 is appended hereto.

For the Specification:

Applicants hereby amend the specification to correct minor typographical and/or grammatical errors, i.e., a missing period in each paragraph. These amendments add no new subject matter.

For the Claims:

Applicants submitted claims 1-20, of which claims 1, 3, and 12 are independent claims. This Office Action rejects claims 1-20. Applicants hereby amend claims 1, 3, 11-12, and 19, and retain claims 2, 4-10, 13-18, and 20 as originally submitted. Applicants respectfully requests reconsideration.

AMENDMENT

SERIAL NO. 10/648,128

Page: 11

This Office Action rejects claims 1, 5, 7-13, and 15-18 under 35 U.S.C. 102(b) as being anticipated by Taggert, U.S. Patent No. 6,378,707 (hereinafter Taggert), Reynolds, U.S. Patent No. 2,045,614 (hereinafter Reynolds), Gibson, U.S. Patent No. 1,842,262 (hereinafter Gibson), or Oungst, U.S. Patent No. 845,972 (hereinafter Oungst), rejects claims 2, 4, and 14 under 35 U.S.C. 102(b) as being anticipated by Gibson, Oungst, or Reynolds, and rejects claim 3 under 35 U.S.C. 102(b) as being anticipated by Gibson or Oungst.

As regards independent claims 1, 3, and 12, this Office Action asserts that Taggert, Reynolds Gibson, and Oungst teach what could be broadly considered a substantially horizontal and planar bottom plane.

In independent claim 1, applicants claim:

Claim 1: A display unit for merchandising eyewear, said display unit comprising:

- a substantially horizontal and planar bottom panel;
- a substantially planar left panel coupled to said bottom panel;
- a substantially planar right panel coupled to said bottom panel;

and

- a substantially planar top panel coupled between said left and right panels and oblique to said bottom panel, wherein said bottom, left, right, and top panels together encompass an interior space having a front opening and configured to house a plurality of inventory boxes accessible through said front opening.

Restrictions previously limited to claim 11 have been moved to independent claim 1, from which claim 11 depends. Applicants have amended all independent claims so that similar restrictions are included in independent claims 3 and 12. Claim 11 was rejected for the same reasons as independent claims 1 and 12.

Taggart teaches a knock-down bookshelf consisting of only five pieces, and is described as (column 3, lines 19-28, and FIGs. 1-2):

The present invention, as displayed in FIG. 1 fulfills the needs of the mobile reader by providing a bookshelf with an elongated planar surface, higher at one end and sloping downward toward a perpendicular support.

FIG. 2 provides an exploded view of knock-down bookshelf 10, comprising a pair of matching base panel 1, front panel 2, rear panel 3 and base plate 4.

Base panel 1 a trapezoidal plane such that its end proximate front panel 2 is higher than its end proximate rear panel 3, providing a rearwardly sloping base for base plate 4....

Clearly, the Taggart base plate 4 slopes. Indeed, it must slope. If it does not slope, it defeats a primary purpose of Taggart, i.e., to allow a collection of books to stand substantially upright, without the use of bookends, by leaning against rear panel 3 and each other. The Taggart base plate 4 therefore cannot be equated with applicants' claimed substantially horizontal and planar bottom panel.

Applicants' independent claims 1, 3, and 12 also claim both a bottom panel and a top panel, i.e., two substantially planar panels extending between the right and left panels. Taggart teaches only a single such panel. Again, Taggart fails to teach what applicants claim.

Neither would it be obvious to incorporate a substantially horizontal bottom panel into Taggart. To do so would add complexity to Taggart without adding functionality. This would defeat the primary purpose of Taggart, i.e., to have a knock-down bookshelf with as few pieces as possible. Taggart teaches away from any such modification.

Taggert does not teach a substantially horizontal and planar bottom panel as applicants claim in independent claims 1, 3, and 12. Neither would it be obvious to one of ordinary skill in the art to modify Taggert to have such a bottom panel.

Reynolds teaches a metal display stand formed from as few parts as possible. This is described as (column 1, line 54, to column 2, line 17, and FIGs. 1-5):

Accordingly, a preferred embodiment of the invention comprises a display stand having an inclined floor 11 formed from a single piece of sheet metal which is bent at right angles into two supporting side walls 12 triangular in shape. The upper end of the display floor 11 is bent up to provide a head 13 which may be hemmed or bent back on itself at 14.

A reinforcing wire 15 formed in U-shape (FIG. 4) is utilized for reinforcing the display stand and for tying all parts in a rigid construction, its legs 16 being embedded in the lower edges of the sides 12. Each side wall is curled inwardly at 17 (FIG. 5) for this purpose where it engages and tightly holds a leg 16 of the wire 15. A central portion 18 of the reinforcing wire 15 extends across and between the side walls 12 (FIGs. 2 and 3) and this construction holds the walls 12 parallel.

Like Taggert, Reynolds teaches an oblique (top) panel but lacks a substantially horizontal (bottom) panel.

Additionally, Reynolds specifically teaches away from the use of a bottom panel, providing instead a reinforcing wire for stiffening the side (left and right) panels. It therefore would not be obvious to one of ordinary skill in the art to add a substantially horizontal and planar bottom panel to Reynolds in opposition to these specific teachings.

Reynolds does not teach a substantially horizontal and planar bottom panel as applicants claim in independent claims 1, 3, and 12. Neither would it be obvious to one of ordinary skill in the art to modify Reynolds to have such a bottom panel in opposition to the specific teachings of the use of a reinforcing wire and away from the use of a bottom panel.

Oungst teaches a compositor's stand with removable "cases" or type holders. The Oungst stand is furniture, i.e., a free-standing desk-like structure. The Oungst stand shows, in the Figures, a sloping (oblique) top panel coupled between left and right side panels (the right side panel being implied).

There is no suggestion, however, of a "substantially horizontal and planar bottom panel," as applicants claim in independent claims 1, 3, and 12. Indeed, because Oungst is furniture, it is the absence of a bottom panel that is implied. Those skilled in the art of cabinetry do not normally put bottom panels on furniture because such a bottom panel would make the furniture unstable on all except completely flat and clean surfaces.

Since, by the very nature of the Oungst composing stand, a bottom panel would not normally be used, only an explicit disclosure of a bottom panel, in either text or a Figure, may be used to construe the presence of such a bottom panel. Oungst fails to make such a disclosure in either text or Figures. It must be assumed, therefore, that no such bottom panel exists.

Also, since the art of cabinetry teaches away from the use of such bottom panels for good and valid reasons, it would not be obvious to one of ordinary skill in the art to incorporate a substantially horizontal and planar bottom panel into Oungst.

Oungst does not teach a substantially horizontal and planar bottom panel as applicants claim in independent claims 1, 3, and 12. Neither would it be obvious to one of ordinary skill in the art to modify Oungst to have such a bottom panel.

In independent claims 1, 3, and 12, applicants also claim an interior space encompassed by the bottom, left, right, and top panels, having a front opening, and configured to house a plurality of inventory boxes accessible through that front opening. The interior space claimed by the applicants addresses the problem of readily accessible stock (eyewear) inventory. This problem is not addressed in any form by Taggert, Reynolds, Gibson or Oungst.

Neither Taggert, Reynolds, nor Gibson lends itself to the inclusion of an interior space encompassed by bottom, left, right, and side panels and configured to house inventory boxes accessible through a front opening. Taggert and Reynolds both teach away from the use of a bottom panel in any form. Lacking a bottom panel, neither Taggert nor Reynolds suggests an interior space in any form that is partially encompassed by that bottom panel.

Gibson does teach bottom, left, right, and side panels. However, Gibson fails to teach an interior space configured to contain boxes accessible through a front opening of that space. Neither would it be obvious to modify Gibson to have such an interior space, as the design of Gibson precludes such a modification. In Gibson (FIG. 4), the top panel (1²) slopes downward from the rear to make contact with the horizontal bottom panel (1¹), then slopes upward (as 2²) to make contact with a front panel (2³). This construction precludes any suggestion of a front opening into an interior space encompassed by the bottom, left, right, and top panels.

AMENDMENT

SERIAL NO. 10/648,128

Page: 16

Lacking any suggestion of the claimed interior space and/or its front opening, one of ordinary skill in the art would not find it obvious to incorporate such a space and/or opening into Taggert, Reynolds, or Gibson. Taggert, Reynolds, and Gibson do not teach an interior space as applicants claim in independent claims 1, 3, and 12. Neither would it be obvious to one of ordinary skill in the art to modify Taggert, Reynolds, or Gibson, either severally or in combination, to have such an interior space.

Oungst teaches drawers in FIG. 1. However, as is well known to those of ordinary skill in the art of cabinetry, a drawer typically slides on rails in a space that has no bottom, and Oungst teaches nothing different. Such a space cannot be said to be "configured to house a plurality of inventory boxes," as such boxes would fall through the missing bottom of the space and become effectively inaccessible. This is especially true of a large piece of furniture, as is Oungst.

Furthermore, as discussed hereinbefore, Oungst teaches away from a substantially horizontal and planar bottom panel. Lacking a bottom panel, Oungst cannot have an interior space encompassed by bottom, left, right, and top panels.

Oungst does not teach either an interior space or a bottom panel as applicants claim in independent claims 1, 3, and 12. Neither would it be obvious to one of ordinary skill in the art to modify Oungst to have such an interior space and bottom panel, inasmuch as Oungst teaches away from the use of a substantially horizontal and planar bottom panel and an interior space partially encompassed thereby.

AMENDMENT

SERIAL NO. 10/648,128

Page: 17

Applicants hereby amend independent claims 1, 3, and 12 to more strongly emphasize the presence of an interior space encompassed by the bottom, left, right, and top panels, having a front opening, and configured to house a plurality of inventory boxes accessible through that front opening. Applicants believe independent claims 1, 3, and 12 to be allowable as amended under 35 U.S.C. 102(b) over Taggart, Reynolds, Gibson, and/or Oungst. Applicants respectfully request reconsideration of independent claims 1, 3, and 12.

As regards claims 2, 4-5, 7-11, and 13-18, claims 2, 4-5, and 7-11 depend either directly or indirectly from independent claim 1, and claims 13-18 depend either directly or indirectly from independent claim 12. Applicants hereby amend claim 11 in keeping with the amendments made to independent claim 1 as discussed hereinbefore. Inasmuch as applicants believe independent claims 1 and 12 to be allowable for the reasons discussed hereinbefore, applicants believe claims 2, 4-5, 7-10, and 13-18 to be allowable as originally presented and claim 11 to be allowable as amended by reason of dependency. Applicants respectfully request reconsideration of claims 2, 4-5, 7-11, and 13-18.

This Office Action rejects claim 6 under 35 U.S.C. 103(a) as being unpatentable over Taggart, Reynolds, Gibson, or Oungst in view of Breining et al., U.S. Patent No. 4,150,752 (hereinafter Breining).

As regards claim 6, claim 6 depends from independent claim 1 through claim 5. Inasmuch as applicants believe independent claim 1 and claim 5 to be allowable for the reasons discussed hereinbefore, applicants believe claim 6 to be allowable as originally presented by reason of dependency. Applicants respectfully request reconsideration of claim 6.

This Office Action rejects claims 19 and 20 under 35 U.S.C. 103(a) as being unpatentable over Taggert, Reynolds, Gibson, or Oungst in view of Brozak, Jr., U.S. Patent No. 6,443,317 (hereinafter Brozak).

This Office Action asserts that Taggert, Reynolds, Gibson, and Oungst teach the present invention absent the indicia and mirror, but that Brozak teaches left and right frames onto which a mirror 16 is mounted, and that indicia could be mounted upon doors 10.

As regards claim 19, claim 19 depends directly from independent claim 12. As discussed hereinbefore in conjunction with independent claims 1, 3, and 12, Taggert, Reynolds, Gibson and Oungst fail to teach a display unit that is "configured to encompass an interior space accessible through a front opening and configured to house a plurality of inventory boxes configured to contain an inventory of said eyewear," as applicants claim in independent claim 12. Brozak also fails to teach such a display unit. Therefore, the admixture of Brozak with Taggert, Reynolds, Gibson, or Oungst, either severally or in any combination, cannot teach what applicants claim in independent claim 12.

Applicants hereby amend claim 19 in keeping with the amendments made to independent claim 12 and discussed hereinbefore. Inasmuch as applicants believe independent claim 12 to be allowable for the reasons discussed hereinbefore, applicants believe claim 19 to be allowable as amended by reason of dependency. Applicants respectfully request reconsideration of claim 19.

As regards claim 20, claim 20 depends from independent claim 12 through claim 19. In the relevant portions of claims 12, 19, and 20, applicants claim:

Claim 12: A display system...comprising:
a left frame;
a right frame....

Claim 19: A display system as claimed in claim 12 wherein:
...
said display system additionally comprises:
signage coupled between said left frame and right frame
above an uppermost one of said display units....

Claim 20: A display system as claimed in claim 19
additionally comprising a mirror coupled between said left frame
and said right frame between said signage and said uppermost
display unit.

Brozak teaches a display unit 2 (FIG. 1) mounted in a receiving unit 3. Brozak fails to teach specific details of the receiving unit, which appears to be a standardized unit.

Between the Brozak left and right frames and above the display unit, Brozak teaches a door having a flat surface, to which signage may be affixed.

However, Brozak specifically teaches a mirror 16 coupled to only one of the left and right frames (actually, a plurality of mirrors with each mirror coupled to only one of the frame members). These mirrors are not coupled between the left and right frames, and are not between the uppermost display unit and the signage, as applicants claim in claim 20. Since these mirrors are explicitly taught, there is no suggestion to reposition the mirror to between the frames and above the display. Indeed, Brozak emphasizes the value of the display

area, thereby teaching away from applicants' claimed mirror position.

Also, the basic structure of Brozak is radically different in form from the structures of Taggert, Reynolds, Gibson, and Oungst. It therefore would not have been obvious to one of ordinary skill in the art to modify Taggert, Reynolds, Gibson, or Oungst, either severally or in any combination, with the single-frame-mounted mirror of Brozak to arrive at the between-the-frame mounted mirror of the present invention. The assertion of such obviousness is a strong suggestion of hindsight.

Applicants believe claim 20 to be allowable as originally presented under 35 U.S.C. 103(a) over Taggert, Reynolds, Gibson, or Oungst, either severally or in any combination, in view of Brozak. Furthermore, claim 20 depends from independent claim 12 through claim 19. Inasmuch as applicants believe independent claim 12 and claim 19 to be allowable for the reasons discussed hereinbefore, applicants believe claim 20 to be allowable as originally presented by reason of dependency. Applicants respectfully request reconsideration of claim 20.

Conclusion

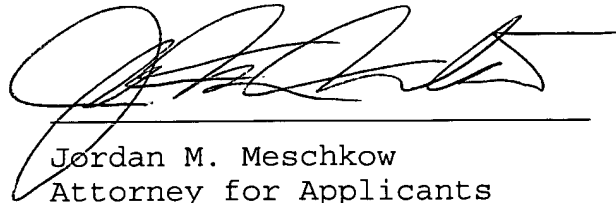
Accordingly, this Amendment amends claims 1, 3, 11-12, and 19. Currently amended claims 1, 3, 11-12, and 19 remain in the application and are believed to be allowable. In addition, claims 2, 4-10, 13-18, and 20 remain in the application as originally submitted and are believed to be allowable.

Applicants believe that the foregoing amendments and remarks are fully responsive to the rejections and/or objections recited in the 3 April 2006 Office Action and that the present

AMENDMENT
SERIAL NO. 10/648,128
Page: 21

application is now in a condition for allowance. Accordingly, reconsideration of the present application is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Meschkow', is written over a horizontal line.

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AMENDMENT
SERIAL NO. 10/648,128
Page: A-1

APPENDIX A

This Appendix contains one drawing sheet containing a clean copy of the amended Figure 1.